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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,311	02/15/2001	Lawrence D. Hartsook	22253-05099	7055
758	7590	11/15/2007		
FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041			EXAMINER DARNO, PATRICK A	
			ART UNIT 2163	PAPER NUMBER
			MAIL DATE 11/15/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/788,311

Applicant(s)

HARTSOOK ET AL.

Examiner

Patrick A. Darno

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11, 12, 14 and 17-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 12, 14 and 17-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. No new claims have been added. Claims 10, 13, and 15-16 have been cancelled. Claims 1, 5, 14, 19-20, and 24-25 have been amended. Claims 1-9, 11-12, 14, 17-29 are pending in this office action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-9, 11-12, 14, and 17-29 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication Number 2002/0198874 issued to Roger I. Nasr et al. (hereinafter “Nasr”).

Claim 1:

Nasr a computer implemented method dynamically rendering data in a markup language (Nasr: paragraph [0065], lines 11-15 and paragraph [0072] and paragraph [0080]), the method comprising:

identifying a symbol in the data in the markup language, the symbol indicating a query of a data set, the query containing one or more variables, each variable of one of a plurality of data types (Nasr: paragraphs [0007] and paragraph [0065] and abstract and Fig. 8);

augmenting the markup language to support the variables (Nasr: paragraph [0007], lines 7-23 and paragraph [0009], lines 1-4 and paragraph [0015] and paragraph [0065] and paragraph [0097] and paragraph [0098] and abstract);

accessing the data set in order to generate a resolution to the query (*Nasr: paragraph [0007], lines 7-23 and paragraph [0070] and abstract*);

substituting the resolution for the query (*Nasr: abstract and paragraph [0065] and paragraph [0097] and paragraph [0098]*); and

dynamically rendering the resolution as a part of the markup language, according to at least one rule associated with the markup language wherein said symbol can be used to dynamically render multiple data sets (*Nasr: paragraph [0065] and paragraph [0069] and paragraph [0070] and paragraph [0097] and paragraph [0098] and abstract*).

Claim 2:

Nasr discloses all the elements of claim 1, as and Nasr further discloses wherein the symbol comprises a delimited token (*Nasr: Fig. 8, 840, 870*).

Claim 3:

Nasr discloses all the elements of claim 1, as noted above, and Nasr further discloses wherein the symbol is located within the data in the markup language such that the query is associated with the markup language (*Nasr: Fig. 8, 840, 870*).

Claim 4:

Nasr discloses all the elements of claim 3, as noted above, and Nasr further discloses wherein the markup language comprises Hyper Text Markup Language (*Nasr: paragraph [0015]*).

Claim 5:

Nasr discloses all the elements of claim 3, as noted above, and Nasr further discloses rendering the resolution according to at least one rule associated with the markup language tag with which the query is associated (*Nasr: paragraph [0065]*).

Claim 6:

Nasr discloses all the elements of claim 1, as noted above, and Nasr further discloses wherein the dataset comprises a set of at least one document in a hierarchically structured format (*Nasr: paragraph [0099] and the table pictured immediately below this paragraph.*).

Claim 7:

Nasr discloses all the elements of claim 6, as noted above, and Nasr further discloses wherein the hierarchically structured format comprises Extensible Markup Language (*Nasr: paragraph [0099]*).

Claim 8:

Nasr discloses all the elements of claim 7, as noted above, and Nasr further discloses wherein the symbol conforms an Extensible Markup Language standard concerning queries (*Nasr: paragraph [0015] and paragraph [0016] and paragraph [0065] and paragraph [0096] and paragraph [0097]*).

Claim 9:

Nasr discloses all the elements of claim 1, as noted above, and Nasr further discloses wherein the data set comprises a database (*Nasr: paragraph [0007], lines 16-18*).

Claim 11:

Nasr discloses all the elements of claim 1, as noted above, and Nasr further discloses wherein the rendering is performed by software running on a hand held computing device (*Nasr: paragraph [0090]*).

Claim 12:

Nasr discloses all the elements of claim 1, as noted above, and Nasr further discloses generating a resolution to the query by retrieving a node set from a set of documents in

Extensible Markup Language; and rendering each member of the node set (*Nasr: paragraph [0007], lines 7-23 and paragraph [0070]*).

Claim 14:

Nasr discloses all the elements of claim 1 as noted above, and Nasr further discloses wherein each variable contained in the query comprises a delimited token (*Nasr: paragraph [0102] and paragraph [0103]; <MYDOC> appears to be a delimited token presented after each variable in the query.*).

Claim 17:

Nasr discloses all the elements of claim 1 as noted above, and Nasr further discloses wherein rendering the resolution further comprises updating the data set (*Nasr: paragraph [0007], lines 21-23 and paragraph [0015] and paragraph [0097]*).

Claim 18:

Nasr discloses all the elements of claim 17, as noted above, and Nasr further discloses wherein updating the data set further comprises writing to a set of at least one document in Extensible Markup Language (*Nasr: paragraph [0007], lines 21-23 and paragraph [0015] and paragraph [0097]*).

Claim 19:

Claim 19 is rejected under the same reasons set forth in the rejection of claim 1.

Claim 20:

Claim 20 is rejected under the same reasons set forth in the rejection of claim 5.

Claim 21:

Claim 21 is rejected under the same reasons set forth in the rejection of claim 12.

Claim 22:

Claim 22 is rejected under the same reasons set forth in the rejection of claim 17.

Claim 23:

Claim 23 is rejected under the same reasons set forth in the rejection of claim 18.

Claim 24:

Claim 24 is rejected under the same reasons set forth in the rejection of claim 1.

Claim 25:

Claim 25 is rejected under the same reasons set forth in the rejection of claim 5.

Claim 26:

Claim 26 is rejected under the same reasons set forth in the rejection of claim 12.

Claim 27:

Claim 27 is rejected under the same reasons set forth in the rejection of claim 17.

Claim 28:

Claim 28 is rejected under the same reasons set forth in the rejection of claim 18.

Claim 29:

Nasr discloses all the elements of claim 3, as noted above, and Nasr further discloses wherein the markup language comprises Wireless Markup Language (*Nasr: paragraph [0015]; The invention discloses XML and WML is simply a subset of XML.*).

Response to Arguments

Examiner Notes:

The Applicant's arguments are moot in light of new grounds of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick A. Darno whose telephone number is (571) 272-0788. The examiner can normally be reached on Monday - Friday, 9:00 am - 5:30 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2163

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PAD

Patrick A. Darno
Examiner
Art Unit 2163



WILSON LEE
PRIMARY EXAMINER